

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RQ INNOVATIONS, INC.,

Plaintiff,

-against-

CARSON OPTICAL, INC. AND
RICHARD CAMERON.

Defendants.

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RACHEL P. KOVNER, United States District Judge:

MEMORANDUM AND ORDER
19-CV-3886 (RPK) (RER)

Plaintiff RQ Innovations, Inc. brought this action to seek redress for trademark infringement, false designation of origin, unfair competition, and unfair and deceptive trade practices. *See* Compl. ¶¶ 42-69 (Dkt. #1). Plaintiff named as defendants Carson Optical, Inc. and Richard Cameron. *See id.* ¶¶ 2-3. On the same day plaintiff filed its complaint, it filed a motion seeking a temporary restraining order and a preliminary injunction. *See* Pl.’s Mot. for a T.R.O. and a Prelim. Inj. (Dkt. #2). Plaintiff’s motion was denied on the recommendation of Magistrate Judge Ramon E. Reyes, Jr. *See* Order Adopting Report and Recommendation (Aug. 21, 2019) (Dkt. #18). Plaintiff has now filed a new motion for voluntary dismissal without prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure. *See* Pl.’s Mot. to Dismiss (Dkt. #23). That motion was referred to Judge Reyes for a report and recommendation. *See* Order Referring Mot. (Sept. 22, 2019).

Judge Reyes recommends that the motion for voluntary dismissal without prejudice be granted. *See* Report and Recommendation (“R. & R.”) at 9 (Dkt. #27). A district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the

magistrate judge.” 28 U.S.C. § 636(b)(1). No party has objected to the R. & R. within the time required by 28 U.S.C. § 636(b)(1).

When no party has objected to a magistrate judge’s recommendation, the recommendation is reviewed, at most, for “clear error.” *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see, e.g., Alvarez Sosa v. Barr*, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will only be found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006). I have reviewed Magistrate Judge Reyes’s report and recommendation and, having found no clear error, adopt it in full. Plaintiff’s motion for voluntary dismissal without prejudice is granted. The Clerk of Court is directed to close this case.

SO ORDERED.

/s/ Rachel Kovner
RACHEL P. KOVNER
United States District Judge

Dated: March 18, 2021
Brooklyn, New York